



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,548	12/02/2005	Yoshinori Hachisu	021964/337039	5238

826 7590 04/03/2008

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

NASH, BRIAN D

ART UNIT	PAPER NUMBER
----------	--------------

3721

MAIL DATE	DELIVERY MODE
-----------	---------------

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,548	Applicant(s) HACHISU, YOSHINORI	
	Examiner Brian Nash	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Comments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/2008 has been entered. The pending claims remain 1 and 4-6.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,978,046 to Hagmann et al. Hagmann et al shows the same button-attaching device and method of use as claimed:

With respect to claims 1 and 4, an upper die (11), a lower die (21) on which a button coupler (24) is disposed, a button holder (63) that is part of a button holder moving unit (60,72) that temporarily holds the button (15); the button holder (63) located on a button holder moving unit (60,72) transfers button from the button holder (63 - while in a retracted position) to the upper die (11 via 12,13 – when in an extended position) (see Figs. 4-8) via a circular trajectory (end of lever 72 rotates clockwise around a shaft 73 – Fig. 3). Hagmann et al show a button holding position (Fig. 4) prior to the button (15) traveling along an arcuate path via the pivotal movement of lever (72) about (73), i.e. outside a lifting path of the upper die (11). Fig 5 shows the button (15) at the end of the arcuate trajectory and in the transferring position, i.e. the button transferring position is within the lifting path of the upper die (11).

With respect to claim 4, an end of the rotating member (lever 72) that rotates about a rotating shaft (73), one end of (72) is connected to the button holder (63); a resilient member (spring 75) is

Art Unit: 3721

connected to the rotating member (72 - Fig. 6) and biases the button holder away from the button transferring position toward the button holding position, i.e. spring (75) is a compression spring that when expanded urges the button holder away from the upper die.

With respect to claim 5, the holder moving unit (60) that transfers button from the button holder (63 - while in a retracted position) to the upper die (11 via 13 - when in an extended position) also moves the button holder away from a lifting path of the upper die.

With respect to claim 6, upon the button moving unit transferring the button to the upper die (11), the button is oriented via engaging holder notches (13 - see column 10, lines 37+).

Response to Arguments

4. *In re* claims 1 and 4, applicant's arguments filed 3/11/2008 have been fully considered but they are not persuasive. Applicant contends, *inter alia*, that Hagmann et al does not meet the limitations of the claimed invention. Examiner acknowledges applicant's position; however, a reference is deemed to properly anticipate a claim when all the recited limitations are disclosed therein.

With respect to claim 1, as discussed above, Hagmann et al shows all the recited structural limitations including showing the button holding position located outside a lifting path of the upper die and the button transferring position located within the lifting path of the upper die. While it is noted that the device of Hagmann et al may not perform the same function or in the same manner as applicant's invention, it is deemed that the claims are not restrictive to such device.

With respect to claim 4, as discussed above, Hagmann et al shows a resilient member connected to the rotating member that biases the button holder away from the button transferring position, i.e. toward the button holding position.

For the reasons above, the grounds for rejection are deemed proper.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday - Thursday from 8 a.m. to 6 p.m.

Art Unit: 3721

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian D. Nash/
Primary Examiner, Art Unit 3721

3/28/2008